

Issued January 25, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1241.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR AND CATSUP.

On October 20, 1910, the grand jurors of the United States within and for the Northern District of California returned an indictment to the United States District Court for said district against the Lewis Packing Co., a corporation, in which it was charged that on January 26, 1909, the said Lewis Packing Co. sold to Wellman, Peck & Co. a quantity of cider colored vinegar, which was adulterated and misbranded, and which had been guaranteed by the said Lewis Packing Co. under the provisions of the Food and Drugs Act of June 30, 1906; that on January 30, 1909, Wellman, Peck & Co. shipped the said product from the State of California into the State of Nevada. The product was labeled "Cider Colored Vinegar."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 0.27; reducing sugars (grams per 100 cc), 0.08; reducing sugars in solids (per cent), 29.63; polarization, +0.55; ash (grams per 100 cc), 0.038; ash in solids, 14.07 per cent; alkalinity of water soluble ash (cc N/10 acid per 100 cc), 1.2; soluble P_2O_5 (mg per 100 cc), 0.32; insoluble P_2O_5 (mg per 100 cc), 2.36; total acid, as acetic (grams per 100 cc), 4.56; volatile acid, as acetic (grams per 100 cc), 4.557; fixed acid, as malic (grams per 100 cc), 0.003; color removed by fuller's earth, 79.0 per cent; color on tintometer, 12.0; lead acetate precipitate, none; salicylates and benzoates, absent.

The indictment further charged that the said Lewis Packing Co. shipped, in violation of the Food and Drugs Act, on or about July 23,

1909, from the State of California into the State of Oregon a quantity of catsup which was adulterated. This catsup was labeled: "Red Rose Catsup put up by Lewis Packing Co., San Francisco, Calif. Preserved with 1/10 of 1% of Benzoate of Soda."

Analysis of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Solids, 17.80 per cent; soluble solids, 16.51 per cent; ratio insoluble to soluble solids, 1:12.8; ash, 3.28 per cent; NaCl, 2.71 per cent; sand, 0.006 per cent; acids as acetic, 0.99 per cent; sodium benzoate, 0.170 per cent; polarization direct, 20° C., 10.1; polarization invert, 20° C., 6.8; sugar after inversion as invert, 8.6 per cent; settling test, 128 cc; starch, very small amount present; coal-tar color, absent; sulphites, absent; salicylic acid, absent; alkalinity of ash (cc N/10 acid per gram ketchup), 0.66; glucose, present; 87° polarization, 8.2°; glucose (factor 163), 5.0 per cent; alkalinity salt-free ash (cc N/10 acid per gram salt-free ash), 115. Microscopic analysis: No tissues foreign to tomato detected. No skins or indication of "trimming stock."

The indictment was based upon reports of the Secretary of Agriculture showing the said products to be adulterated and misbranded as indicated by the aforesaid analyses. Adulteration was charged against the vinegar for the reason that a substance, to wit, a dilute solution of acetic acid, artificially colored, had been mixed and packed with the product so as to injuriously lower and affect its strength, and had been substituted wholly or in part therefor. Misbranding was charged against said vinegar for the reason that it was labeled "Cider Colored Vinegar", which was false and misleading, because said product was not a cider vinegar, but a dilute solution of acetic acid, colored in imitation of cider vinegar. Adulteration was charged against the catsup because there had been mixed and packed with it a substance, to wit, glucose, which reduced and lowered its strength and quality, and which substance had been substituted in part for said catsup. Misbranding was charged against the catsup for the reason that it was represented as catsup without qualification; when, in fact, it contained glucose, the presence of which was not made known to the purchaser, which representation was therefore false and misleading.

On November 14, 1910, the defendant company pleaded guilty to the charges in the indictment and was fined \$25.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1911.*